UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Kare	n Green Wright	
(In th	e space above enter the full name(s) of the plaintiff(s).) -against-	COMPLAINT
	S .	·
	Department of Education Student Financial Assistance ections, GC Services Limited Partnership	Jury Trial: □ Yes □ No (check one)
canno pleas additi listed	e space above enter the full name(s) of the defendant(s). If you of the names of all of the defendants in the space provided, write "see attached" in the space above and attach an ional sheet of paper with the full list of names. The names in the above caption must be identical to those contained in I. Addresses should not be included here.)	DECEDVE Nov 2 2 2013
I.	Parties in this complaint:	PRO SE OFFICE
A.	List your name, address and telephone number. If you identification number and the name and address of your cufor any additional plaintiffs named. Attach additional shapes	irrent place of confinement. Do the same
Plain	tiff Name Karen Green Wright	
1 14111	Street Address 24 SchoolHouse Rpad, PO Box 472	2 :
	County, City Westchester, Waccabuc	
	State & Zip Code New York, 10597	
	Telephone Number 914-299-4814 / 914 29	19 - 1333
В.	List all defendants. You should state the full name of to government agency, an organization, a corporation, or a each defendant may be served. Make sure that the defen contained in the above caption. Attach additional sheets	he defendant, even if that defendant is a in individual. Include the address where dant(s) listed below are identical to those
Defe	ndant No. 1 Name US Department of Education Stude	ent Financial Assistance Collectiond
	Street Address PO Box 105081	77 - 70 - 70 - 70 - 70 - 70 - 70 - 70 -
	Market Land Company Co	

		County, CityAtlanta
		State & Zip Code Georgia 30348
		Telephone Number 404-974-9490
Defend	ant No. 2	Name GC Services Limited Partnership
Borona	unt 110. 2	Street Address 6330 Gulfton
		County, City Harris, Houston State & Zip Code Texas 77081
		Telephone Number 877-244-7901
Defend	ant No. 3	Name
		Street Address
		County, City
		State & Zip Code
		Telephone Number
D - f 1	4 N T 4	
Derend	ant No. 4	
		Street Address
		County, City
		State & Zip Code
		Telephone Number
II.	Basis for	Jurisdiction:
cases in U.S.C. question	volving a § 1331, a case. U	e courts of limited jurisdiction. Only two types of cases can be heard in federal court: federal question and cases involving diversity of citizenship of the parties. Under 28 a case involving the United States Constitution or federal laws or treaties is a federal inder 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another unt in damages is more than \$75,000 is a diversity of citizenship case.
A.	What is the	he basis for federal court jurisdiction? (check all that apply)
	⊠ Federa	al Questions
В.	If the basi	s for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right
		?
C.	If the basi	s for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?
	Plaintiff(s	s) state(s) of citizenship
	Defendan	t(s) state(s) of citizenship

III. Statement of Claim:

State as briefly as possible the <u>facts</u> of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

	A. Where did the events giving rise to your claim(s) occur? At my office at New York University, 25 West 4th Street, NY, NY.
	B. What date and approximate time did the events giving rise to your claim(s) occur? Contacted by GC Services Limited by telephone at my office around mid June, 2013. Contacted by the NYU Employment/Payroll office
	by company email on October 24th, 2013. I spoke to US Dept of Education on or about
	C. Facts: A representative of GC Services called my office telephone at NYU on or about June 15th, 2013 and
ed	asked if I was Karen Green, and notified me that there was an unpaid student loan from 1978 in the amount of \$13,000 that was unpaid. I advised them that I never took out any student loans and requested them to send a copy of the loan
	documents. To this date I have not received a copy of the loan documents. On November 5, at 9:54 am I received an
id	email from NYU payroll advising that my wages were being garnished by the US Department of Education in the amount of \$13,739.10 for 35 year old student loan from 1979. The garnish papers were addressed to Karen Green but I noticed there was no address for me listed on the remaining that the second student loans are the second student
	there was no address for me listed on the garnish paperwork sent to NYU. I immediately called the telephone number listed for questions and requested a copy of the loan documents and advised the control of the loan documents.
	listed for questions and requested a copy of the loan documents and advised them that I did not take out a loan to atter college. They advised that to get a copy of the loan documents I needed to contact GC Services and I was provided with
yone d?	a contact telephone number. When I reached GC Services I requested a copy of the loan documents for a second time and I provided them with my home address. To this day, as I seek this temporary injunction, I have not received a copy
	of the numerical learning at 1
	That I am filing a notice to show cause. I shall thus by
	telephone.
se at ed?	
	IV. Injuries:
	If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.
	treatment, if any, you required and received.

V. Relief:	ń.
State what you want the Court to do for you and	d the amount of monetary compensation, if any, you are
seeking, and the basis for such compensation.	I am seeking a temporary injunction against New York Universi
executing the wage garnish issued by the US Departn	ment of Education. I am also seeking to have the US Department
of Education and GC Services Limited Partnership pro	operly serve me at my current address with papers including
but not limited to a true and certified copy of the origin	nal loan documents/promissory note and be afforded my rights
under the law to respond to any allegations set forth ir	n their claim.
	`
I declare under penalty of perjury that the for	regaing is true and correct
Signed this 18th day of November , 20 13.	•
Signature of Pla	100000
Mailing Address	
	PO Box 472
	Waccabuc, New York 10597
Telephone Num	ber 914-299-1333
Fax Number (if	vou have one)
Note: All plaintiffs named in the caption of the must also provide their inmate numbers,	e complaint must date and sign the complaint. Prisoners, present place of confinement, and address.
For Prisoners:	
declare under penalty of perjury that on this his complaint to prison authorities to be mailed to he Southern District of New York.	day of, 20, I am delivering of the Pro Se Office of the United States District Court for
Signature of Plai	intiff:
Inmate Number	
minute ivalibei	

AFFIDAVIT

State of New York County of Westchester

I, Karen Wright, 24 Schoolhouse Road PO Box 472, Waccabuc, New York being duly sworn, depose and state:

- I am an employee of New York University with offices located at 25 West 4th Street, New York, New York.
- 2. My position at New York University is Director of Development for the Silver School of Social Work. I have the responsibility of raising \$5,000,000.00 per year to support the school. Attention to detail and good follow through are very important to achieve a good level of success in my performance.
- 3. On or about June 15, 2013, I received a telephone call at my New York University offices from GC Services Limited which is a Houston, Texas base collection agency.
- 4. The representative asked if I was Karen Green and then stated that there was an unpaid student loan in the amount of \$13,000.00.
- 5. I informed them that my parents paid my college tuition and that I never took out a loan for my education.
- 6. I then requested that they send me a copy of the loan documents and any promissory note for review and they agreed that this would be done.
- 7. I continually checked the mail at my office (since that was where I was contacted) and also my personal mailbox and to this day I have never received the requested information. I assumed that they had double-checked their records and determined that I was not the Karen Green that they were looking for.
- 8. On November 5, 2013 at 9:54 am I received an email from the New York University payroll office advising that my wages were being garnished by the US Department of Education in the amount of \$13,739.10. I graduated college in 1979 so the laon would be 35 years old. A copy of the garnish papers was attached to the email.
- 9. I reviewed the garnish paperwork which was addressed to New York University and referenced "Karen Green". I observed that there was no address on the paper work for me whatsoever, and thought that to be very unusual.
- 10. Further review of the paperwork uncovered a letter to the employer that stated, in part, "We have previously notified the employee that this action was going to take place and have provided the employee with the opportunity to dispute the debt."
- 11. This was particularly disturbing in light of the fact that there was no address listed for me on any of the paperwork. It was also an attack on my integrity as it specifically and unequivocally stated that I ignored a notice from the federal government.

Affidavit Page 2

- 12. I called the phone number listed for questions on the Notice of Garnish (404-974-9490 option # 4) at the US Department of Education and spoke with Theresa. Her suggestion was that I call USGA at 800-621-3115 to request a hearing.
- 13. I was given instructions that I could obtain the documents online and I did so with the operator still on the telephone with me. I noted that the application was based on receipt of a copy of the loan documents/promissory note and making a sworn statement that I was disputing the contents.
- 14. I advised the operator that I had never received a copy of the loan documents/promissory note and therefore could not complete the process to request a hearing.
- 15. When I asked the operator to please send me a copy of the loan documents/ promissory note she told me that I would have to contact GC Services Limited which was a collection agency.
- 16. I went on the internet to locate GC Services, obtained the telephone number and called them at about 1:40 on November 5, 2013.
- 17. I told the operator (Shewanga) I was seeking a release of the wage garnish and she informed me that she did not have the authority to do that.
- 18. I was transferred to Ms. Donaldson who could not assist me and ultimately spoke with Derrick Bolin who indicated that he was a manager in the garnishment section.
- 19. He ultimately admitted that his department had copies of the loan documents/ promissory note and he agreed he would send them out to me so that I could begin the process to request a hearing. He indicated it would take about two weeks and that I should watch the mail for an envelope coming from PO Box 5609 in Greenville, Texas and not to mistake it for "junk mail".
- 20. When I arrived at my office on November 6, I began researching the US Department of Education seeking to find someone who could expedite my receiving a copy of the purported loan documents/promissory note.
- 21. During this search I was able to obtain a telephone number for Ms. Denise Leifeste (202-377-3293) whose name appeared as the signatory on the wage garnish papers served on New York University. That number, however, looped back to the general information number that I called on November 5 (404-974-9490).
- 22. My continued research and telephone calls led me to the following individuals: Affidavit Page 3

- 1. Ms. Christine Vollmerhausen at the Department of Education (202-245-8033) in the Debt & Payment Management Group 2. Mr. David Merrill (202-245-8077) and Mr. Gary Wood (202-245-8118) Director of Financial Management Operations of the US Department of Education.
- 23. None of the above listed officials of the US Department of Education were able to assist me in expediting my receipt of the loan documents/promissory note upon which the wage garnish was predicated.
- 24. Very frustrated and nervous about the impending execution of the garnish on my next pay check which would cause me a severe hardship in terms of paying my normal obligations, I contacted the Inspector General's office. I telephoned Steven Anderson (202-245-6918) and Brian Hickey.
- 25. It was suggested by the Inspector General's office that I call the "Omsbudsman" (202-377-3881) and the Mediation Group.
- 26. I received a call back from a Mark Bradley who requested that I fax a copy of my driver's license to him and he would compare it to the signature on the promissory note and let me know if they matched. I once again requested that he send me a copy and he indicated that he did not have the authority to do so.
- 27. On or about November 15, 2013 I received the long awaited package from the collection agency GC Services Limited/US Department of Education. The three enclosures were as follows: 1. AWG Hardship Financial Statement, 2. AWG Request for Hearing, and 3. Discharge: Unauthorized Signature.
- 28. The copy of the loan document/promissory note was not included as promised by Derrick Bolin at GC Services Limited.
- 29. I immediately telephoned Mr. Bolin to express my extreme disappointment. He was not available and I spoke with Ned Rossini who said he would correct the matter.
- 30. On Thursday, November 21 I received my annual bonus check from New York University and it had been garnished. Close to \$1,000.00 was deducted which will cause me extreme hardship in meeting my financial obligations.
- 31. I also took time as to research the legal basis for this garnishment and it appears to me that the US Government Wage Garnishment Order (form SF 3298) was, is and continues to be flawed.

Affidavit Page 4

- 32. The Wage Garnishment Order references Federal Law 31 USC 3270D and 31 CFR 285.11. I have read these documents as a lay person and noted that 1) the garnish order served on my employer New York University does not include my address which is by law a requirement and 2) I was never given the opportunity to review the loan document/promissory note, never given the opportunity for a hearing, and never notified of this process as required by law.
- 33. It is now 30 days since the garnish document was received by my employer and I still have not been given a copy of the purported loan documents/promissory note by the Department of Education or its agent GC Services Limited.
- 34. Based on the above listed arguments and statement of facts, I request that I be granted an immediate Preliminary Injunction and Temporary Restraining Order that prevents my employer New York University from further execution of the wage garnishment.
- 35. Time is of the essence as I am paid once per month and my paycheck that is due December 1st will be processed by New York University on Tuesday, November 26 because of the Thanksgiving holiday next week.
- 36. I have done everything in my power to handle this situation but I am in desperate need of the courts intervention to protect my civil rights which have been and continue to be egregiously violated.

I AFFIRM THAT THE ABOVE AND FOREGOING REPRESENTATIONS ARE TRUE AND CORRECT TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF.

Date	Karen Wright
STATE OF NEW YORK COUNTY OF MANHATTAN	
I, the undersigned Notary Public, do here before me on theday of November free and voluntary act and deed.	by affirm that Karen Wright personally appeared r, 2013 and signed the above Affidavit as her





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302036271 000432 **********AUTO**MIXED AADC 220 NEW YORK UNIVERSITY ATTN PAYROLL/GARNISHMENT DEPT 70 WASHINGTON-SQ S NEW YORK NY 10012-1019

October 24, 2013

ACCOUNT #: 1001456697

LETTER TO EMPLOYER & IMPORTANT NOTICE TO EMPLOYER

Dear Employer,

One of your employees has been identified as owing a delinquent nontax debt to the United States. The Debt Collection Improvement Act of 1996 (DCIA) permits Federal agencies to garnish the pay of individuals who owe such debt without first obtaining a court order. Enclosed is a Wage Garnishment Order directing you to withhold a portion of the employee's pay each pay period and to forward those amounts to us. We have previously notified the employee that this action was going to take place and have provided the employee with the opportunity to dispute the debt.

As both a businessperson and a taxpayer you can understand and appreciate the importance of ensuring that duly owed debts do not go unpaid. Your cooperation in complying with the enclosed Wage Garnishment Order will assist in our efforts to collect the billions of dollars in delinquent nontax debt owed to the United States. A Wage Garnishment Worksheet is enclosed to assist you in determining the proper amount to withhold.

Please read the enclosed documents carefully. They contain important information concerning your responsibilities to comply with this Order. If you have any questions, please call the contact name listed on the Order.

Thank you for your cooperation.

See reverse for Important Notice to Employer.

Enclosures:

Wage Garnishment Order (SF-329B)
Wage Garnishment Worksheet (SF-329C)

Employer Certification (SF-329D)

STANDARD FORM 329A (11-98) Prescribed by 31 CFR 285.11

000432

UNITED STATES GOVERNMENT WAGE GARNISHMENT ORDER (SF-329B)





1. Date of this Ord	ier:	2. Date Mailed	to Employer;	Creditor Agency Tracing No. (refer to this correspondence):	number in all	
nt fill bally with the second of the second	10/22/2013		10/24/2013	1001456697		
RE:	4. Employee Name:		5	Employee Social Security No.:	Processor Continues of the	
	KAREN	GREEN .		276-60-1019		
TO:	6. Employer.		[7	Employer Mailing Address (include street address, P.O. Box city, state, zip code):	:, suite no.,	
·	NEW YORK (JNIVERSITY		ATTN PAYROLL/GARNISHMENT 70 WASHINGTON SQ S NEW YORK NY 10012-1019	DEPT	
FROM:						
	8. Creditor Agency:		9	Creditor Agency Mailing Address (include street address, ci	ty, state, zip	
1.41	1	tment of Education nancial Assistance		US DEPARTMENT OF EDUCATION NATIONAL PAYMENT CENTER PO BOX 105081 ATLANTA GA 30348-5081		
	1	tment of Education nancial Assistance	1	1. Telephone No.: 1-404-974-9490 (then press #4)	der annen er et di 1600 de de e n en en en en	
	12. Internet e-mail address:		I	3. Fax No.:		
14. Amour	nt Due:	15. As of (Month/Da	y/Year): Note:	The amount due may be increased as	a result	
\$1	3,739.10				of additional interest, penalties, and other costs	

Section 1. ORDER. YOU, the Employer, are hereby ORDERED to deduct from all disposable pay paid by you to the Employee the Wage Garnishment Amount described in Section 2 of this Order. You are ordered to begin deductions on the first pay day after you receive this Order. If the first pay day is within 10 days after you receive this Order, you may begin deductions on the second pay day after you receive this Order. You are ordered to continue deductions until you receive notification from the Creditor Agency to suspend or discontinue deductions. YOU are further ORDERED to pay the Creditor Agency all Wage Garnishment Amounts deducted by you under

(404) 974-9490 #x

STANDARD FORM 329B (11-98) Prescribed by 31 CFR 285.11

being assessed by the Creditor Agency.

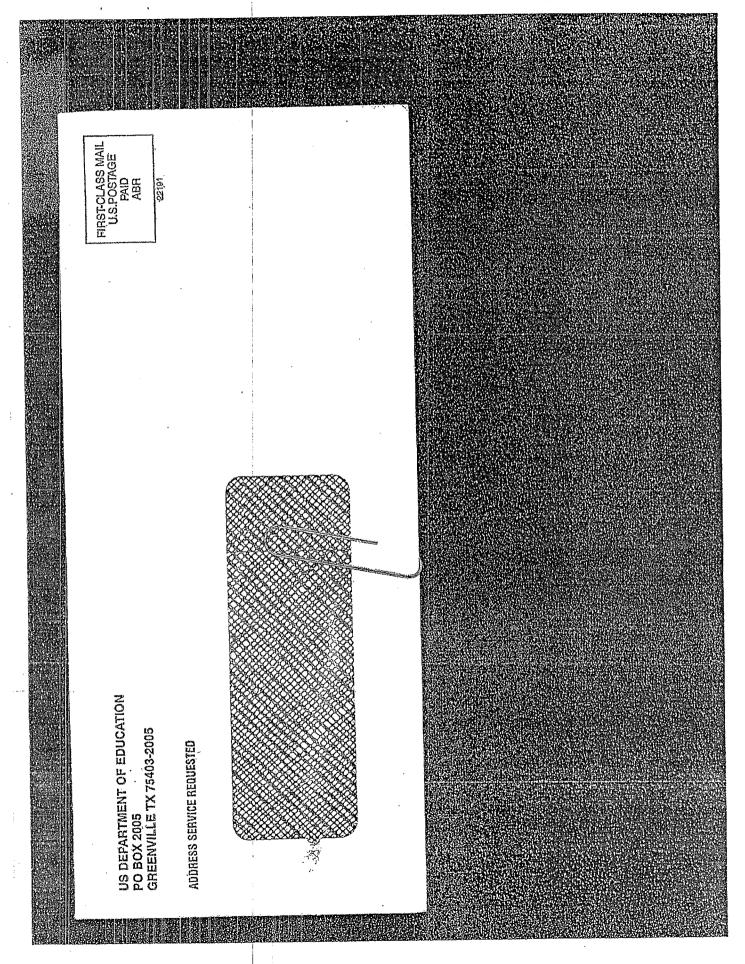
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this order within three (3) business days of electronically, if possible, as follows:	of the withholding. Employers are e	ncouraged to make payments
16 ATA Dustas Ma	17. Account No.:	18. Agency Location Code (ALC) No.:
16. ABA Routing No.: N/A	N/A	N/A
19. Account Title:	20. Other information required (i.e., tracking no., debtor n	amo, etc.):
N/A		N/A
Otherwise, mail checks (postmarked with	a 3 business days of the withholding) to:
21. Mailing address for check payments: US DEPARTMENT OF EDUCATION NATIONAL PAYMENT CENTER PO BOX 105081 ATLANTA GA 30348-5081		
Section 2. WAGE GARNISHMENT A	MOUNT.	• •
(a) The Wage Garnishment Amount is \$	per pay period in	accordance with an
agreement between the Creditor Agency		
	-OR-	
(b) The Wage Gamishment Amount for	each pay period is the lesser of:	
(1) 15 % of the Employee's disposal	ble pay (not to exceed 15%);	
(2) the garnishment amount set forth disposable pay exceeds an amount equivalent	in 15 U.S.C. 1673(a)(2) (the amount but to 30 times the minimum wage); or	by which the employee's
(3) 25% of the Employee's disposable orders with priority. A withholding order wireceived by the Employer prior to this Order of any withholding order with priority or up amount withheld for this order shall be recal	ith priority is a valid, legally enforceable ver, or (2) is an order for family support region receipt of an order for family support succeipt of an order for family support succeipted on the formula described in	withholding order that either (1) was ardless of date received. Upon termination absequent to the receipt of this Order, the this Section 2(b).
Note: The Employer may use to calculate the Wage	e the attached Wage Garnishment Garnishment Amount.	Worksheet
creditor agency certificate is issued in accordance with the requirer the Employer on the date shown above. CREDITOR AGENCY SIGNATURE	ments of 31 U.S.C. 3720D and 31 C	C.F.R. 285.11 and is mailed to
Print Name: <u>Denise Leifeste</u>		

IMPORTANT NOTICE TO EMPLOYER

FEDERAL LAW (31 U.S.C. 3720D, 31 C.F.R. 285.11) PROVIDES:

- 1. <u>Federal law supersedes State law</u>. Federal law applies to wage garnishment pursuant to the Wage Garnishment Order notwithstanding State law.
- 2. <u>Disposable pay</u>. For purposes of the Wage Garnishment Order, "disposable pay" means the employee's compensation (including, but not limited to, salary, overtime, bonuses, commissions, sick leave and vacation pay) from an employer after the deduction of health insurance premiums and any amounts required by law to be withheld. Proper deductions include Federal, State, and local taxes, State unemployment and disability taxes, social security taxes, and involuntary pension contributions, but do not include voluntary pension or retirement plan contributions, union dues, or amounts withheld pursuant to a court order, and the like. A Wage Garnishment Worksheet is included with the Wage Garnishment Order to assist the employer in calculating disposable pay and the wage garnishment amount.
- 3. Multiple Withholding Orders. If in addition to the Wage Garnishment Order you, as employer, are served with other withholding orders pertaining to the same employee, then you may withhold sufficient amounts to satisfy the multiple withholding orders simultaneously, up to the maximum amount of 25%. The Wage Garnishment Order should be paid before garnishment or withholding orders that you receive after you receive this one, EXCEPT that family support orders always should be paid first. Upon termination of the family support or prior withholding order(s), the amount withheld for the Wage Garnishment Order shall be increased to the amount stated in Section 2 of the Wage Garnishment Order.
- 4. Pay cycles. An employer is not required to vary its normal pay and disbursement cycles to comply with the Wage Garnishment Order.
- 5. Failure to comply. AN EMPLOYER WHO FAILS TO COMPLY WITH THE WAGE GARNISHMENT ORDER SHALL BE LIABLE FOR ANY AMOUNTS THAT THE EMPLOYER FAILS TO WITHHOLD UNDER THE WAGE GARNISHMENT ORDER, PLUS ATTORNEY'S FEES AND COSTS INCURRED BY THE CREDITOR AGENCY TO ENFORCE THE WAGE GARNISHMENT ORDER. IN ADDITION, THE EMPLOYER WHO FAILS TO COMPLY WITH THE WAGE GARNISHMENT ORDER MAY BE LIABLE FOR PUNITIVE DAMAGES AS DETERMINED BY A COURT OF COMPETENT JURISDICTION.
- 6. No retaliation. AN INDIVIDUAL MAY SUE ANY EMPLOYER WHO DISCHARGES FROM EMPLOYMENT, REFUSES TO EMPLOY, OR TAKES DISCIPLINARY ACTION AGAINST AN INDIVIDUAL SUBJECT TO A WAGE GARNISHMENT ORDER BY REASON OF THE FACT THAT THE INDIVIDUAL'S WAGES HAVE BEEN SUBJECT TO GARNISHMENT UNDER 31 U.S.C. 3720D. A COURT OF COMPETENT JURISDICTION SHALL AWARD ATTORNEY'S FEES TO A PREVAILING EMPLOYEE, AND, IN ITS DISCRETION, MAY ORDER REINSTATEMENT OF THE INDIVIDUAL, AWARD PUNITIVE DAMAGES AND BACK PAY TO THE EMPLOYEE, OR ORDER SUCH OTHER REMEDY AS MAY BE REASONABLY NECESSARY.



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Comments, Feedback and Contact Information

Denise Leifeste

Phone: (202) 377-3293

Fax: (202) 275-0543

Email: denise.leifeste@ed.gov

Roberta Johnson

Phone: (515) 294-0109

Fax: (515) 294-0851

Email: rljohns@iastate.edu



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Chief Financial Officer Thomas Skelly (Acting)

Deputy Chief Financial Officer Jim Ropelewski 202-245-6221

Deputy Chief Financial Officer Tim Soltis

202-245-6555

Executive Staff Michael Holloway, Executive Officer

202-245-8440

Financial Improvement and Post-Audit Operations Craig Stanton, Director 202-245-8102

Post Audit Group

Charles Laster 202-245-8017

Indirect Cost Group

Mary Gougisha 202-245-8035

Internal Controls Evaluation Group

Phillip Juengst 202-245-8030

Contracts and Acquisitions Management Jim Hairfield, Director 202-245-6219

Program Contracts Group

Cynthia Duncan 202-245-6196

Operations Contracts Group Nicole Evans

202-245-6172

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Stephanie Girard 202-245-6088

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Sherese Lewis 202-245-6235

Financial Management Operations Gary Wood, Director 202-245-8118

> **General Accounting Group** Cynthia Heath

202-245-8043

Bank Change & Receivables Group Sylvester Osineme

202-245-8081

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KAREN GREEN

24 SCHOOLHOUSE RD # 472

WACCABUC, NY 10597-1112



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OIG Regional Offices Contacts

Office	Contact	Telephone	Address
Boston, MA	Brian Hickey Special Agent in Charge	(617) 289-0174	5 Post Office Square, 8th Floor Boston, MA 02109
New York, NY	Daniel Schultz Regional IG for Audit Brian Hickey Special Agent In Charge	(646) 428-3860 (646) 428-3874	32 Old Slip, 26th Floor New York, NY 10005
Philadelphia, PA	Bernard Tadley Regional IG for Audit Steven Anderson Special Agent In Charge	(215) 656-6900 (202) 245-6918	The Wanamaker Building 100 Penn Square East, Suite 502 Philadelphia, PA 19107
Pittsburgh, PA	Steven Anderson Special Agent In Charge	(202) 245-6918.	Williams S. Moorehead Federal Building 1000 Liberty Ave., Suite 1503 Pittsburgh, PA 15222-4004
Washington, DC	Steven Anderson Special Agent In Charge	(202) 245-6918	400 Maryland Ave. S.W. Washington, D.C. 20202
Atlanta, GA	Denise Wempe Regional IG for Audit Yessyka Santana Special Agent in Charge	(404) 974-9416 (404) 974-9431	Atlanta Federal Center 61 Forsyth Street, Rm. 19T30 Atlanta, GA 30303
San Juan, PR	Denise Wempe Regional IG for Audit Yessyka Santana Special Agent in Charge	(787),773-2740	Parque Las Americas 1 235 Federico Costa St., Suite 410 San Juan, PR 00918-1912
Pembroke Pines, FL	Yessyka Santana Special Agent in Charge	(404) 974-9430	9050 Pines Blvd, Suite 270 Pembrike Pines, FL 33024
Chicago, IL	Gary D. Whitman Regional IG for Audit Thomas Utz Jr. Special Agent in Charge	(312) 730-1620 (312) 730-1652	Citigroup Center 500 W. Madison St., Suite 1414 Chicago, IL 60661
Nashville, TN	Tom Utz Special Agent in Charge	(312) 730-1652	26 Century Blvd Suite 100 Nashville, TN 37214